

REMARKS

The Office Action mailed January 23, 2009 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Status

Claims 1 – 8, and 10 – 13 are pending. By this Amendment, Applicants have amended Claim 1 in order to clarify and to further point out, with particularity the subject matter that Applicants regard as the invention. Applicants have added Claim 14 by this Amendment. Consequently, the claims under consideration are believed to include Claims 1 – 8, and 10 – 14.

Claim Rejections under §102

Claims 1 – 8, and 10 – 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Frankenbach, et al., (US 6,995,131). This rejection is respectfully overcome.

The Office states,

"Regarding claims 1-8, and 10-13, Frankenbach teach a fabric softener composition comprising ester quat (formula below; 3: 50-67) by the concentration of up to 80%; [2: 5, 3: 14], wherein the functional groups in the structure are as following: R_1 , R_2 = C_1 - C_6 alkyl, or H, R_3 & A = $(CH_2)_n$, $n=1-4$, Q ($=Y$)= $O-C(O)$, or $C(O)O$, $T_1(Y)$ = hydrocarbyl group, and X is anion such as Cl^- and Br^- .



Composition comprises organic solvent such as ethanol and isopropanol (short chain alcohol) is 3-10% and could be up to 40%; [6: 43-47, 14: 10-14], water by the amount of up to 16% (calculated from 80% ester quat and other minor ingredients); [2: 42], pH modifier (used as stabilizer) such as ethoxylated alkylamine ($n=2$) by the amount of 0.1=7%; [23: 2-40, 20: 60-65], and perfumes, and electrolytes; [31: 15-20, 17: 12-20]."

Applicants respectfully overcome this rejection. The Office cites Frankenbach et al. (US 6,995,131) and refers with respect to the pH modifiers to column 23, lines

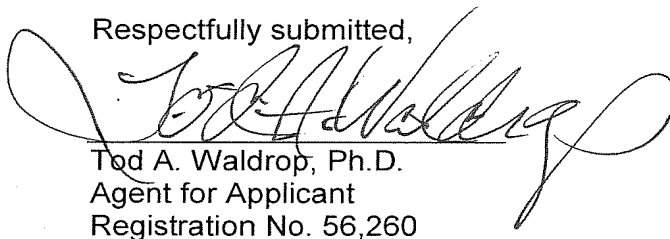
2-40. In column 23, lines 2-5, ethoxylated amine surfactants are mentioned and in column 23, lines 6-40, alkoxylated compounds are described (see also the formula disclosed in column 23, line 10) (emphasis added). Component "z" in the formula is from about 5 to about 30, the compounds of the formula comprise at least 5 alkyleneoxide groups. The pH modifiers of component d) of newly amended Claim 1 are different from these compounds, therefore Frankenbach, et al., (US 6,995,131) can not anticipate newly amended Claim 1 and all claims depending therefrom.

For at least the reasons stated above, Applicants are of the courteous position that the §102 rejection of Claim 1 has been overcome. Reconsideration and withdrawal of the §102 rejection is respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,



Tod A. Waldrop, Ph.D.
Agent for Applicant
Registration No. 56,260

(CUSTOMER NUMBER 25,255)
CLARIANT CORPORATION
INDUSTRIAL PROPERTY DEPARTMENT
4000 Monroe Road, Charlotte, NC 28205
Phone (704) 331-7732
Fax (704) 331-7707